

105TH CONGRESS  
2D SESSION

# H. R. 4711

To authorize the sale of excess Department of Defense aircraft for the purpose of dispersing oil spills.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 1998

Mr. TAUZIN introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committees on National Security, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To authorize the sale of excess Department of Defense aircraft for the purpose of dispersing oil spills.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oil Spill Dispersant  
5 Spraying Aircraft Act of 1998”.

1 **SEC. 2. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT**  
2 **PARTS FOR THE PURPOSE OF DISPERSING**  
3 **OIL SPILLS.**

4 (a) **AUTHORITY.**—(1) Notwithstanding section 202 of  
5 the Federal Property and Administrative Services Act of  
6 1949 (40 U.S.C. 483) and subject to subsections (b) and  
7 (c), the Secretary of Defense may, during the period be-  
8 ginning October 1, 1998, and ending on September 30,  
9 2002, sell aircraft and aircraft parts referred to in para-  
10 graph (2) to a person or entity that contracts to deliver  
11 oil dispersants by air in order to disperse oil spills.

12 (2) The aircraft and aircraft parts that may be sold  
13 under paragraph (1) are aircraft and aircraft parts of the  
14 Department of Defense that are determined by the Sec-  
15 retary to be—

- 16 (A) excess to the needs of the Department; and  
17 (B) suitable for commercial sale.

18 (b) **CONDITIONS OF SALE.**—Aircraft and aircraft  
19 parts sold under subsection (a)—

- 20 (1) may be used only for oil spill spotting, ob-  
21 servation, dispersant delivery, and any other second-  
22 ary and commercially viable use that is not prohib-  
23 ited by this Act and that would not interfere with  
24 the purchaser's primary oil spill response efforts  
25 under an oil spill response plan; and

1           (2) may not be flown outside of or removed  
2           from the United States except with the approval of  
3           the Secretary of Defense for the purpose of fulfilling  
4           an international agreement to assist in oil spill dis-  
5           persing efforts, or for other purposes that are jointly  
6           approved by the Secretary of Defense and the Sec-  
7           retary of Transportation.

8           (c) CERTIFICATION BY PURCHASERS.—A person or  
9           entity that purchases an aircraft or aircraft parts from  
10          the Secretary of Defense under subsection (a) shall submit  
11          to the Secretary of the Department in which the Coast  
12          Guard is operating a statement in which the person or  
13          entity certifies that—

14                (1) the overall system to be employed for the  
15                delivery and application of oil spill dispersants has  
16                been sufficiently tested to ensure that the person or  
17                entity is capable of meeting the terms and conditions  
18                of an oil spill response plan that has been approved  
19                by the Secretary of the Department in which the  
20                Coast Guard is operating;

21                (2) the system tests included the use of the  
22                purchased aircraft as modified and outfitted for dis-  
23                persal purposes; and

24                (3) the purchased aircraft will not be used for  
25                activities inconsistent with subsection (b).

1       (d) SYSTEM DEFINED.—For purposes of this Act,  
2 the term “system” means the services, equipment, and  
3 personnel through which a person or entity intends to de-  
4 liver and apply oil spill dispersants, including application  
5 equipment, dispersant stockpiles, loading tanks, aircraft  
6 maintenance, trained pilots and support personnel, mon-  
7 itoring equipment and observation or spotter aircraft, and  
8 the aircraft and aircraft part being purchased.

9       (e) REGULATIONS.—(1) As soon as practicable after  
10 the date of enactment of this Act, the Secretary of Defense  
11 shall, in consultation with the Secretary of Transportation  
12 and the Administrator of General Services, prescribe regu-  
13 lations relating to the sale of aircraft and aircraft parts  
14 under this section.

15       (2) The regulations shall—

16           (A) ensure that the sale of the aircraft and air-  
17 craft parts is made at a fair market value as deter-  
18 mined by the Secretary of Defense;

19           (B) ensure that all persons and entities pur-  
20 chasing aircraft under subsection (a) comply with  
21 the certification requirement under subsection (c);

22           (C) establish appropriate means of verifying  
23 and enforcing the use of the aircraft and aircraft  
24 parts by the purchaser and any other user in accord-

1       ance with the conditions set forth in subsection (b);  
2       and

3               (D) ensure, to the maximum extent practicable,  
4       that the Secretary of Defense consults with the Ad-  
5       ministrator of General Services and with the heads  
6       of appropriate Federal departments and agencies re-  
7       garding alternative requirements for such aircraft  
8       and aircraft parts.

9       (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
10      retary of Defense may require such other terms and condi-  
11      tions in connection with each sale of aircraft and aircraft  
12      parts under this section as the Secretary considers appro-  
13      priate for such sale. Such terms and conditions shall meet  
14      the requirements of regulations prescribed under sub-  
15      section (e).

16      (g) REPORT.—Not later than March 31, 2002, the  
17      Secretary of Defense shall submit to the Committee on  
18      Armed Services of the Senate and the Committee on Na-  
19      tional Security of the House of Representatives a report  
20      on the Secretary's exercise of authority under this section.  
21      The report shall set forth—

22               (1) the number and type of aircraft sold under  
23      the authority, and the terms and conditions under  
24      which the aircraft were sold;

1           (2) the persons and entities to which the air-  
2       craft were sold; and

3           (3) an accounting of the then current use of the  
4       aircraft sold.

5       (h) CONSTRUCTION.—Nothing in this section may be  
6       construed as affecting the authority of the Administrator  
7       of the Federal Aviation Administration under any other  
8       provision of law.

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